

BANDO, T.
Appln. No.: 10/781,868
November 19, 2007

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-24 are pending in this application.

Rejections Under 35 U.S.C. §103:

Claims 1-7, 10-17, 20-22 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Truchsess (U.S. '726, hereinafter "Truchsess") in view of Matsuyama et al. (U.S. '784, hereinafter "Matsuyama"). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Truchsess and Matsuyama fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest "calculating a read start address of selected sound data in accordance with a ratio of a current moving speed of the object in the game space to the maximum speed" as required by independent claim 1 and its dependents. Similar, but not necessarily identical, comments apply to independent claims 11 and 21. These claimed features are supported by, for example, paragraphs [0050]-[0051] and [0058]-[0059] of the previously-filed substitute specification.

Page 4 of the Office Action admits that "Truchsess does not disclose a moving speed calculating section for, based on the acceleration operation input data and the deceleration operation input data input via the operating section calculation a moving speed of the object in a game space." The Office Action then alleges that Matsuyama (in particular, col. 2, line

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43 – col. 3, line 4) resolves this admitted deficiency of Truchsess. Applicant respectfully disagrees. Of this cited portion of Matsuyama, col. 2, lines 60-62 discloses a car speed calculation means for calculating the car speed based on detected operated amounts of accelerator and brake pedals. In more detail, Fig. 7 and col. 8 of Matsuyama discloses a speed calculator 515 which calculates the speed of a player's car using detected operated amounts of an accelerator pedal 5 and a brake pedal 6. The calculated speed is utilized by a slip condition determinator 517 which determines whether a car is slipping using the calculated speed and other parameters. The calculated speed is also utilized by a motion processor 518 which performs a motion processing of the player's card using the calculated speed and other parameters. While Matsuyama discloses utilizing the calculated speed for determining car slippage and/or motion processing, there is nothing in Matsuyama which indicates that the calculated speed is used for determining a read start address of selected sound data. That is, Matsuyama fails to teach or suggest using calculated speed (let alone a ratio of a calculated current speed to a maximum speed) so as to determine the read start address of selected sound data. Matsuyama thus fails to resolve the admitted deficiency of Truchsess.

Even if the teachings of Truchsess and Matsuyama were combined as proposed by the Office Action, the combination would not have taught or suggested calculating the read start address of the sound data based on the ratio of the moving speed of the object in the game to the maximum speed of the selected sound data. Truchsess merely discloses reproducing sound based on the pitch. For example, col. 4, lines 23-26 of Truchsess states "...the jump vector will direct the microcontroller 22 to immediately play the deceleration or acceleration

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segment, respectively, whose pitch most closely matches that of the segment that was interrupted (emphasis added).” The pitch is completely different from the speed. Since Truchsess explicitly discloses selecting the segment having the pitch that matches the pitch of the reproduced sound data, Truchsess fails to teach or suggest selecting a segment based on speed as required by independent claim 1, let alone teaching or suggesting calculating a read start address of the sound data based on the ratio of the object’s current moving speed to the maximum speed of the sound data.

Moreover, one of ordinary skill in the art would not have been motivated to combine the teachings of Truchsess and Matsuyama. In order to combine their teachings, it is required to covert the calculated speed into a pitch. However, neither Truchsess nor Matsuyama even begins to suggest such a process.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103 over Truchsess and Matsuyama be withdrawn.

Claims 8-9, 18-19 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Truchsess in view of Matsuyama as applied to claims 1, 11 and 21, and further in view of Klayman (U.S. ‘468, hereinafter “Klayman”). Claims 8-9 depend from claim 1, claims 18-19 depend from claim 11 and claim 23 depends from claim 21. Klayman fails to resolve the above-described deficiencies of the Truchsess/Matsuyama combination. Applicant therefore respectfully requests that the rejection of claims 8-9, 18-19 and 23 under 35 U.S.C. §103 be withdrawn.


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Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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